

## DEPARTMENT OF STATE REVENUE

02-20190854R.ODR

**Final Order Denying Refund: 02-20190854R  
Corporate Income Tax  
For Tax Year 2014**

**NOTICE:** IC § 4-22-7-7 permits the publication of this document in the Indiana Register. The publication of this document provides the general public with information about the Indiana Department of Revenue's official position concerning a specific set of facts and issues. The "Holding" section of this document is provided for the convenience of the reader and is not part of the analysis contained in this Final Order Denying Refund.

**HOLDING**

Indiana Company's refund claim was properly denied because it was made outside the statute of limitations for claiming a refund.

**ISSUE**

**I. Corporate Income Tax Refund - Statute of Limitations.**

**Authority:** IC § 6-8.1-9-1; IC § 6-3-4-6.

Taxpayer seeks a refund of Indiana corporate income tax.

**STATEMENT OF FACTS**

Taxpayer is an out-of-state company doing business in Indiana. Taxpayer was granted an extension to file its 2014 Corporate Indiana Income Tax Return ("IT-20"). As a result, Taxpayer timely filed its original 2014 IT-20 on October 14, 2015. Taxpayer filed an amended 2014 IT-20 on February 28, 2019. On its amended IT-20, Taxpayer's claimed refund increased by approximately \$500. The Indiana Department of Revenue ("Department") denied the \$500 refund. Taxpayer filed a timely protest in which it chose to waive its right to a hearing. Therefore, this Final Order Denying Refund results from information provided by Taxpayer with its protest and other information provided in the file. Additional facts will be provided as necessary.

**I. Corporate Income Tax Refund - Statute of Limitations.**

**DISCUSSION**

The issue at hand is whether the Department was correct to deny Taxpayer's request for refund. Taxpayer received an extension on its original 2014 IT-20 and filed it timely on October 14, 2015. Taxpayer later filed an amended 2014 federal return on September 6, 2018, and subsequently filed an amended 2014 IT-20 ("IT-20X") on February 28, 2019. On its IT-20X Taxpayer claimed an additional approximately \$500 in refund. The Department denied the additional \$500 refund as the return "was filed after the Statute of Limitations." Taxpayer protested claiming that because it filed its IT-20X within 180 days of its amended federal return, it met its filing requirements under IC § 6-3-4-6(b).

The Indiana Code affords taxpayers a statutory right to file a claim for refund. IC § 6-8.1-9-1(a) provides, in relevant part:

If a person has paid more tax than the person determines is legally due for a particular taxable period, the person may file a claim for a refund with the [D]epartment. . . . [I]n order to obtain the refund, the person must file the claim with the [D]epartment within three (3) years after the latter of the following:

- (1) The due date of the return.
- (2) The date of payment.

Further, under IC § 6-8.1-9-1(j):

If a taxpayer's federal taxable income, federal adjusted gross income, or federal income tax liability for a taxable year is modified by the Internal Revenue Service, and the modification would result in a reduction of the tax legally due, the due date by which the taxpayer must file a claim for refund with the department is the later of:

- (1) the date determined under subsection (a); or
- (2) the date that is one hundred eighty (180) days after the date of the modification by the Internal Revenue Service as provided under:
  - (A) [IC 6-3-4-6](#)(c) and [IC 6-3-4-6](#)(d) (for the adjusted gross income tax).

Accordingly, under IC § 6-8.1-9-1(a) a taxpayer can claim a refund for excess taxes remitted as long as the request is filed within three years of the income tax remittance or due date of the return, whichever is later. The 2014 IT-20 was due on April 15, 2015. Taxpayer was granted an extension to file its original 2014 IT-20, making the due date October 15, 2015. Taxpayer filed its return on October 14, 2015. More than three years later, on February 28, 2019, Taxpayer filed a 2014 IT-20X claiming an additional \$500 in refund. However, because the claim fell outside of the three-year period, the Department appropriately denied Taxpayer's claim.

In its protest letter, Taxpayer references IC § 6-3-4-6, stating that because it filed its 2014 IT-20X less than 180 days from the date it filed its amended federal return, it met the 180 day filing requirement. However, according to IC § 6-8.1-9-1(j), IC § 6-3-4-6 only applies when there has been a modification by the Internal Revenue Service which resulted in a reduction of tax due. Taxpayer acknowledges that it did not amend its 2014 federal return as a result of an Internal Revenue Service modification, therefore IC § 6-3-4-6 does not apply here.

Taxpayer filed its 2014 IT-20X outside the three-year statute of limitations provided for in IC § 6-8.1-9-1, thus the accompanying refund claim was properly denied.

### **FINDING**

Because Taxpayer's refund request fell outside of the statute of limitations, Taxpayer's protest is denied.

August 8, 2019

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